



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,893	07/19/2000	Fumiyoshi Toyoshima	P/3156-16	2082

7590 07/26/2005

STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS
41ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER

BRINEY III, WALTER F

ART UNIT PAPER NUMBER

2646

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,893

Applicant(s)

TOYOSHIMA, FUMIYOSHI

Examiner

Walter F. Briney III

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 2, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Launey et al. (US Patent 5,086,385).**

Claim 2 is limited to a multi-functional telephone apparatus. Launey discloses an expandable home automation system, which allows central control over a plurality of home systems including a telephone. See Abstract and column 10, lines 17-24. In particular, Launey depicts in figure 1 at least one touchscreen (16a, 16b) for displaying the menus depicted in figures 3A-3N. Inherently, memory must exist to store the menus and the contents thereof (i.e. *(a) a storage unit*). Upon examination of figures 3A-3N, it can be seen that at least three lists of features corresponding to the claims exist. Figure 3A serves as a main screen, wherein the audio/video selection points to a list of groups organized based on the corresponding hardware, also see figure 3B. The security management, lighting moods, information, and environmental control selections all refer to lists of groups organized based on functional concepts. The system configuration is a general list of system data. Clearly, the touchscreen itself provides for the selection of one of the lists described above (i.e. *(b) a selection item selection unit configured for selecting one of a plurality of selection items in said storage unit displayed collectively,*

Art Unit: 2646

wherein said system data table, said function-classified system data table, and said hardware-classified system data table serve as selection items). As an example of a hardware organized selection item consider figure 3C. It depicts VCR controls that are displayed, thus enabling the setting of the data. Therefore, Launey anticipates all limitations of the claim.

Claim 6 is limited to *the multi-functional telephone apparatus as defined in claim 2*, as covered by Launey. Figure 3B depicts the groups associated with the hardware selection item (i.e. *a group displaying unit*). The touchscreen itself provides for selection of system data associated with the hardware groups as can be seen in figures 3B and 3C (i.e. *a system data selection unit*). Figure 3C depicts some of the individual settings that can be set by the touchscreen, wherein user inputs are monitored and recognized by the central processor and by the home devices (i.e. *a system data setting unit*). As the user navigates the touchscreen menu, it is inherent that their inputs be stored in some type of memory within the central processor (i.e. *a system data registration unit configured for registering the system data as set in a system data registration area used as a reference in the operation of an apparatus*). Therefore, Launey anticipates all limitations of the claim.

Claim 7 is limited to *the multi-functional telephone apparatus as defined in claim 6*, as covered by Launey. Launey discloses using the touchscreen to enable the central processor to issue commands to a telephone for the initiation of a telephone call, which makes the central processor itself *an apparatus having the function of a telephone set*. See column 12, lines 20-46. As noted in claim 6, each distributed home device will

Art Unit: 2646

receive the command issued by the user at the touchscreen, such that any data sent will be set therein (i.e. *wherein said system data setting unit excluding the system data registration area, said storage unit, and the selection item selection unit are arranged on the side of a system data registration terminal removeably arranged on said main body portion*). Therefore, Launey anticipates all limitations of the claim.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

2. **Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

Claim 8 is limited to *the multi-functional telephone apparatus as defined in claim 7*, as covered by Launey. While Launey suggests controlling the central processor using the telephone connection, see column 14, line 63 through column 15, line 1, there is no suggestion to include synchronized memories between the central processor and each of the home devices. In particular, Launey only suggests using the central processor as an input means to each device, but doesn't include programming particular to each device. Therefore, Launey anticipates all limitations of the claim with the exception *wherein said system data registration terminal has an area for storage of the same data as the system data registered in the system data registration area, and when system data newly set or changed is routed to the system data registration area, a difference thereof from data already registered in said system data registration area is*

determined and the resulting difference data is sent to said main body portion. Thus, claim 8 is allowable over Launey.

Response to Arguments

Applicant's arguments filed 25 February 2005 have been fully considered but they are not persuasive.

With respect to claim 2, the applicant alleges on pages 3 and 4 of the current response that the tables disclosed by Launey do not correspond to the recited tables that include particular information and relate to each other in a particular way; the examiner respectfully disagrees. As a first matter, the applicant appears only to offer a broad characterization of the invention without actually indicating where the alleged difference between the claims and cited prior art lie.

To reiterate the rejection cited in the preceding section: element (a1) corresponds to the system configuration table of figure 3a; element (a2) corresponds to the security management, lighting moods, information and environment control tables, where each table stores a list of groups organized based on function (e.g. early morning lighting, normal day lighting, evening party lighting) as seen in figures 3G, 3M and 3N; and element (a3) corresponds to the audio/video table that stores a list of groups organized based on hardware (e.g. VCR, television, compact disc) as seen in figure 3B. All the above tables are displayed together in figure 3a and selected in accordance with a user's input.

The claim itself fails to identify any overlap between system data, for example, where a piece of individual setting data is accessible by either the function or hardware classified system data table. The claim instead broadly recites the presence of a number of pieces of individual setting data, some of which are classified in a system data table (a1), a function-classified system data table (a2) and a hardware-classified system data table (a3).

In addition, the applicant's allegation that the individual functional settings recited relate to a telephone apparatus in some way different than the individual functional settings disclosed by Launey is baseless, as the claim simply does not indicate what the individual functional setting data is. It is non-descriptive functional material as it does not affect operation of the telephone apparatus in some concrete and tangible way. As all of the applicant's arguments have been shown to be either moot or unpersuasive the rejection of claims 2 is maintained.

With respect to claims 6-8, the applicant alleges on page 5 of the current response that these claims are allowable over Launey due to their dependence on claim 2; the examiner respectfully disagrees for the same reasons presented supra regarding claim 2. As all of the applicant's arguments have been shown to be either moot or unpersuasive the rejections of claims 6-8 are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/619,893

Page 8

Art Unit: 2646

WFB
7/19/05



SINH TRAN
SUPERVISORY PATENT EXAMINER